

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

OCT 28 2014

for the

Southern District of Texas

Clerk of Court

United States of America

v.

Case No.

m-14-2091-m

- 1 Francisco Javier RAMIREZ-Luna YOB: 1986 - MXC
 2 Sergio SUSTAITA-Luna, YOB: 1985 - MXC
 3 Carmelo JASSO-Manzanales - YOB: 1985- MXC
 4 Marco GUERRERO-Leal, YOB: 1994- MXC

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 28, 2014 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC 841(a)(1) and 846

Knowingly and intentionally possess with intent to distribute approximately 129.42 kilograms of marijuana, a Schedule I Controlled Substance.

Knowingly and intentionally conspire to possess with intent to distribute a controlled substance/ that is, approximately 129.42 kilograms of marijuana, a schedule I controlled substance under the Controlled Substance Act.

This criminal complaint is based on these facts:

See "Attachment B"

☒ Continued on the attached sheet.

Approved to EC.
 [Signature]
 10-28-14

Sworn to before me and signed in my presence.

Date: 10/28/2014City and state: McAllen, TX

[Signature]
 Complainant's signature
 Hector Mendez, Task Force Agent- DEA
 Printed name and title

[Signature]
 Judge's signature
 Dorina Ramos, U.S. Magistrate Judge
 Printed name and title

ATTACHMENT

On October 28, 2014, US Border Patrol Agents Julian Casares, Jordan Enk, Jerrico Leason and Michael Tripp while conducting line watch operations near San Juan, Texas. Agents utilizing infrared equipment observed seven individuals walking north into the brush line north of the levee, east of San Juan Road, and south of Military Highway 281, carrying bundles on their backs. At that point Agents requested air support.

Agents Leason and Tripp were guided north, by the US Border Patrol pilots, within fifteen yards of the individuals from the south end of the brush line. At this time, the pilots instructed the northern mobile units to move in to the individual's position. At that time, Agent Casares proceeded east into the brush approximately five yards where he discovered 6 bundles of suspected narcotics wrapped in brown cellophane. At this time, the pilots advised the ground Agents that some of the individuals ran east through the brush and then began running south along the east side of the brush line. Agents gained visual of several individual running south from approximately fifty yards south of Military Highway 281.

A short time later, Agent Casares apprehended a male subject later identified as RAMIREZ-Luna, Francisco Javier. The pilots advised that there were still more subjects near where RAMIREZ-Luna was apprehended. Agents Leason, Tripp and Enk surrounded and apprehended four more subjects, later identified as SUSTAITA-Morales, Sergio, GUERRERO-Leal, Marco, POSSADA-Herrera, Miguel (Juvenile), and JASSO-Manzanales, Carmelo. The pilots observed one more subject approximately thirty yards southeast of the previous apprehensions. Agent Casares was guided to the subject's position by the pilot and apprehended the subject later identified as SANCHEZ-Pelayo, Pedro. The pilots continued to scan the area and located one more individual hiding in the brush approximately fifteen yards southeast from the bundles. Agent Casares was guided to the individual's position by the pilot and proceeded to apprehend the subject later identified as ALVARES-Bautista, Pedro (Juvenile). The bundles and individuals were transported to the Weslaco Border Patrol Station. At the station Agent Tripp weighed the bundles. The bundles had a total weight of 129.42 kilograms.

On the same date, TFAs Hector Mendez and Ismael Rivas made contact with the individuals at the US Border Patrol Station in Weslaco, Texas. TFAs Mendez and Rivas read RAMIREZ, GUERRERO, JASSO, SUSTAITA and SANCHEZ their Miranda rights. All five individuals waived their rights and were willing to speak to TFAs Mendez and Rivas. TFAs Mendez and Rivas spoke to RAMIREZ, who stated that he was asked to smuggle a bundle of marijuana into the US from Mexico, by an unknown subject. RAMIREZ then stated that he takes full responsibility and that he had nothing else to provide and requested for the interview to be terminated. GUERRERO and JASSO stated that while at their residence in Rio Bravo, Mexico, an unknown subject driving a truck (unknown color, make and model) stopped at the residence and told them to get into the truck. They then stated that the unknown subject told them that they were going to smuggle bundles of marijuana into the US, if they refused they would be assaulted with a (2x4) two by four board. They stated that they feared for their safety and in need of money they agreed. TFAs Mendez and Rivas then interviewed SUSTAITA, who stated that unknown subjects driving a dark colored truck stopped him while he was walking home from work, and ordered him to enter the truck so

SUSTAITA could go to work. SUSTAITA was not aware of what kind of work he was going to be doing, until he arrived at the river bank on the Mexican side. When TFA Mendez asked SUSTAITA if he knew he was going to smuggle marijuana into the US. He replied in Spanish "Yes". SUSTAITA then said that he was getting paid, but did not know how much. The last subject that was interviewed was SANCHEZ, who stated that he crossed into the US as undocumented subject. He then stated that he did see RAMIREZ, GUERRERO, JASSO and MORALES in a raft that contained some bundles. SANCHEZ then stated that he did not cross into the US on the raft, he swam. SANCHEZ then stated that once in the US he walked behind the subjects, but did not carry any bundles. RAMIREZ, GUERRERO, JASSO and MORALES stated that all four smuggled the marijuana into the US. RAMIREZ, GUERRERO, JASSO and MORALES also stated that they did not see SANCHEZ, Miguel JASSO-Manzanales (juvenile) and Pedro ALVAREZ-Bautista (juvenile) smuggle any bundles into the US, but did cross into the US illegally. SANCHEZ, Miguel JASSO-Manzanales (juvenile) and Pedro ALVAREZ-Bautista (juvenile), could not be implicated in this case, all three subjects were deported to Rio Bravo, Mexico.